

ONEIDA COUNTY PLANNING & ZONING
January 20, 2010

1:00 P.M. REGULAR SESSION
2:00 P.M. PUBLIC HEARING
COMMITTEE ROOM #2

2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Ted Cushing
Larry Greschner
Charles Wickman
Dave Hintz
(Absent: Scott Holewinski)

Department staff present: Karl Jennrich, Zoning Director
Steve Osterman, Planning Manager
Kathy Ray, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: Brian Desmond, Corporation Counsel

Guests Present: (See sign-in)

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION/DECISION.

Call to order.

Ted Cushing, Vice Chair called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Cushing noted the agenda was properly posted and the courthouse is handicap accessible.

Approve the agenda.

Motion by Charles Wickman, second by Dave Hintz to approve the agenda as posted. With all members present voting “aye”, the motion carried.

Approve regular and public hearing minutes of December 2, 2009.

Approve regular and public hearing minutes of December 16, 2009.

Motion by Larry Greschner, second by Charles Wickman to approve the regular and public hearing minutes of December 2, 2009 and December 16, 2009 as presented. With all members present voting “aye”, the motion carried.

Possible modifications involving the Conditional Use Permit of Rynders Realty for a 22-unit duplex development described as part of Gov't Lot 2 and NW SE and Parcel 1B of SM C1489, located in Section 10, T39N, R6E, PIN MI 2166 and MI 2167, Town of Minocqua. The Planning and Zoning Committee conditionally approved this on May 20, 2009.

Kathy Ray, Land Use Specialist presented a revised map of the Rynder's proposed development (Exhibit 1) showing the revision of unit number three being shifted back and the modification to the buffer along the lot line by units six and seven. Ms. Ray also referred to the report provided (Exhibit #2) with the conditions as follows:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Subject to Town review and recommendations.
3. All applicable permits to be obtained prior to construction (Town/County/State).
4. Sign permit, if applicable, to be obtained prior to placement.
5. If dumpster(s) are used they must be screened from view. Applicant to recycle waste material as required.
6. Construction of each phase to be consecutive, starting with Phase 1 and substantially completed prior to beginning construction of the next phase.
7. Existing easement road to be maintained by owner, upon completion, up to entrance to Phase 3. Owner required to keep easement road open for thru-traffic at all times, including not blocking the road with snow from plowing.
8. Runoff from Old Hwy 70 to be included in Stormwater Plan to be diverted to wetland on site.
9. ~~Maintain 50' setback from Units 6 & 7 to east lot line. (Deleted by Committee on 1-20-10)~~
10. Tree removal limited to 20' "backyards" for Units 6, 7, 15, 17, 21 and 22. All remaining units are limited to 30' "backyards".

Motion by Ted Cushing, second by Charles Wickman to approve the revised map dated August 29, 2009 of Rynder's Realty for a 22 unit duplex and remove condition number nine from the recommendations. With all members present voting "aye", the motion carried.

Mr. Cushing noted the committee will skip to agenda item number eight.

Preliminary 4-lot certified Survey Map of The Miller Family Living Trust, Kip Soder Surveyor for property located in part of Gov't Lot 9, Section 3, T38N, R11E and part of the SE SW, Section 34, T39N, R11E, PIN# TL 408-9 and 408-10 on Laurel Lake, Town of Three Lakes.

Mr. Osterman noted the change to the preliminary plat includes the existing driveway (in red) to be abandoned with town approval. Mr. Osterman recommended the septic on lot four be replaced by 2010 or prior to sale or septic system evaluation; driveway maintenance agreement; note on plat that legal pre-existing structure is located on lot four; along with existing driveway to be abandoned.

Motion by Larry Greschner, second by Ted Cushing to approve the preliminary certified survey map of The Miller Family Living Trust, agenda item eight with any town and or staff concerns. With all members present voting "aye", the motion carried.

Sixty-day time extension to record the final plat of Bear Lake Highlands located in Gov't Lot 2, Section 19, T38N, R6E, Town of Hazelhurst. The committee may also revisit and revise conditions of approval. The Committee originally approved this on July 15, 2009.

Mr. Jennrich explained the history of this property noting this case is in the appeal process. Revisions have been made and the department has met with the town and town's attorney Greg Harrold. Mr. Jennrich indicated the changes include a combination of lots so that the owner may retain the units on the property.

Mr. Cushing explained the violations the Town of Hazelhurst addressed with this property, as there was a split in lots without approval and no town road access with the split. The town has recommended an extension and seven conditions.

A report was provided (Exhibit #3) with the town conditions and additional department conditions as read.

Mr. Cushing indicated the next Town of Hazelhurst meeting is February 9th and the owner, Mr. Ernstmeyer has indicated he will be able to meet this deadline.

Motion by Larry Greschner, second by Ted Cushing to grant the extension to February 19, 2010 with the modifications and recording of the final plat of Bear Lake Highlands along with staff and town conditions. With all members present voting "aye", the motion carried.

Mr. Cushing commented that the department should inform Mr. Ernstmeyer that the county deadline is 2/19/2010 and the town's deadline is 2/9/2010.

Preliminary 2-lot Certified Survey Map for Heidi Trapp on Marion Lake on property described as part of Gov't Lot 6, Lot 2 CSM V15 P3472, Section 11, T39N, R5E, Rolling Bear Trail, PIN# MI 1721-8, Town of Minocqua.

Kathy Ray, Land Use Specialist presented the certified survey map showing a seventy-five foot setback due to the lakebed determination. Ms. Ray indicated all lots are on private roads and in September 2007 lots 2 through 5 along with lots 3 through 6 were approved with a recorded easement but no maintenance agreement. The department recommends the following conditions:

1. Subject to Town review/approval.
2. Subject to recorded Easement Road Maintenance Agreement.
3. Addressing and 911 information must be approved by Oneida County Land Information Department once a zoning permit has been obtained.

Motion by Ted Cushing, second by Larry Greschner to approve the preliminary certified survey map of Heidi Trapp on Minocqua Lake, agenda item number seven with town and staff conditions. With all members present voting "aye" the motion carried.

The committee agreed that the owners of lots 3, 4, 5 and 6 along with those along the town road will have to join in the maintenance agreement. Ms. Ray will research this and add to the conditions.

Anonymous complaint at 907 Hwy 45, Town of Schoepke.

Mr. Jennrich referred to a letter dated 1/2/2010 (Exhibit #4) regarding an anonymous complaint and asked the committee if they would like the department to research this, as it has been the practice that anonymous complaints are not received.

The committee agreed that they have no problem with the department looking into this complaint.

Private On-site Wastewater Treatment System inventory/maintenance program.

Mr. Jennrich supplied the committee with a memo that includes a draft news release, property owner letter and list of frequently asked questions pertaining to the mandated POWTS maintenance (Exhibit #5).

Motion by Dave Hintz, second by Charles Wickman to allow staff to proceed with the maintenance program and send out a press release as presented. With all members present voting "aye", the motion carried.

2009 Senate Bill #450.

Mr. Jennrich supplied a portion of the 2009 Senate bill 450 regarding greenhouse gas emissions. Mr. Jennrich commented that he does not believe this will affect comprehensive planning. The document is for information only (Exhibit #6).

NR 115

Mr. Jennrich indicated discussion with the DNR will begin tomorrow on how to begin implementation of NR115.

Time: 1:50 p.m. Recess until public hearing.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit Application of Indian Shores Resort Condominium to modify Conditional Use Permit #08-151 and amend condominium documents to re-establish the restaurant and bar as a facility open to the public on property described as part of the Indian Shores Resort Condominium located in Section 29, T39N, R7E, 7750 Indian Shores Road, Town of Woodruff. This business was formerly known as The Shoreline Inn.

Mr. Jennrich read the notice of public hearing for the above agenda item. The notice was published in the Rhinelander Daily News on January 5, 2010 and January 12, 2010 along with the Lakeland Times the week of January 4, 2010. The notice was posted on the Courthouse bulletin board on December 30, 2009. The mailing list was noted and located in the file for review.

The following correspondence was received:

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- Letter from the Town of Woodruff approving the conditional use permit application.
 - Letters from Attorney Greg Harrold dated January 14, 2010 and January 15, 2010.

Mr. Osterman described the history of Indian Shores and the condominium conversion as noted in the report provided (Exhibit #7). During the 2008 conversion request the applicant did not believe the restaurant and bar would serve the public, however the applicant is now requesting a conditional use permit to allow public access to the restaurant and bar facility. The modification would not increase seating in the restaurant and would not increase the requested number of boat slips. The only department concern is public parking in the common area. The general standards have been supplied.

Mr. Cushing asked if there was any public comment for or against the issue at hand.

Greg Harrold, Representative of Tomahawk Lake Association, commented that he understands the request would allow ten to fifteen persons at the bar with up to fifty-five in the restaurant. The position of the lake association is that the CUP be limited to the number of piers and docks in the previous CUP, along with limiting the hours the restaurant/bar is able to operate and that outdoor music be prohibited. Mr. Harrold commented that if the applicant comes back again in the future for another CUP or modifications that the two previous CUP conditions be addressed and considered. Mr. Harrold indicated that the lake association is not taking a formal objection, but would like the committee to understand their concern of additional use on the lake due to a public restaurant/bar.

Margo Hoffenhein, commented she agrees with Mr. Harrold and asked that the small amount of conditions requested be imposed on this permit.

George Denis, Indian Shores, commented that he has good communication with the lake association. The request today is due to an inquiry from a local restaurant owner looking to lease the restaurant. To have a viable restaurant operation they need to go beyond those who utilize the ten month camping season. Mr. Denis commented that it is also possible that the local restaurant owner may or may not agree to the negotiations; however this is the first step in the process. Mr. Denis commented on the concern of the marina expansion and stated that will not take place as he would like to keep things the way they are at the marina. Any modification would be done through a public hearing and extended work with the DNR. Mr. Denis noted the hours of operation and outdoor music was addressed in the previous CUP, however in past experience the bar and restaurant would shut down by 9:00 or 10:00 p.m., with the exception of special events like weddings. Mr. Denis indicated they do not get noise complaints and if any it is handled immediately by him. He agreed to follow the nuisance ordinance and any conditions the county imposes on the permit.

(Ted Cushing excused himself for an appointment at 2:30 p.m.)

Larry Greschner proceeded with the public hearing.

The committee discussed pier use by the public. Mr. Denis indicated there is one pier designated for public use which allows for up to ten boats and that will not change.

Mr. Greschner indicated the pier use by the public can be made part of the conditions as previously presented. Mr. Greschner recommended the noise issue be left to the town and not be part of the CUP.

Mr. Jennrich asked the committee if this CUP is authorizing outdoor music, as he believes this should be addressed now.

Mr. Greschner, Mr. Hintz and Mr. Wickman all agreed that they do not want to address the outdoor music, as they are comfortable not including this in the CUP and will let the town enforce any nuisance laws.

Motion by Larry Greschner, second by Charles Wickman to approve the conditional use permit of Indian Shores Resort and Condominium modifying the CUP to re-establish the restaurant and bar facility open to the public and amend the CUP to allow public parking and the inclusion of the town conditions and staff conditions and add the language of Mr. Harrold's item number one of his January 14, 2010 letter. With all members present voting "aye", the motion carried.

Adjourn

Time: 2:50 p.m.

Motion by Charles Wickman, second by Dave Hintz to adjourn. With all members present voting "aye", the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director